

Board of Mayor and Aldermen
Regular Meeting, Nolensville Elementary School
Thursday, April 7, 2005, 7:00 p.m.

Mayor Charles Knapper opened the meeting at 7:02 p.m. Members present were Mayor Knapper, Aldermen Jimmy Alexander, Joe Curtsinger, Tommy Dugger, and Larry Felts. Counsel Robert Notestine, Town Planner Bill Terry, Town Engineer Rich Woodroof and Recorder Cindy Lancaster. There were 36 citizens present.

Mayor Knapper led the prayer and pledge.

Mayor Knapper read the rules for the meeting. He then asked if there were any citizens that had comments.

Mr. George Bartlett, 7201 Nolensville Road property owner, distributed paperwork in regards to the zoning of his property. He stated that when the county governed this property it was suppose to have been zoned commercial. He ask that this property be zoned commercial.

Mr. Porter Freeman, Nolensville Road, stated that he is speaking on behalf of the annexation on Sam Donald Road. He asked counsel if the same TCA was being used. Counsel Notestine stated yes. Counsel noted that the owner requested this annexation.

Mr. Paul McCann, 703 Cowan Drive, stated that he is requesting a change to the plat that included his residence. He stated that he could understand the Planning Commissions frustration due to the approval of this two years ago. Mr. McMann asked the board to stop the connection on Cowan Drive or to gate it.

There was no further citizen input.

Alderman Alexander made a motion to approve the minutes from March 3, 2005, Alderman Curtsinger seconded. The minutes were approved unanimously.

Alderman Felts made a motion to approve the treasurer's report, Alderman Dugger seconded. Recorder Lancaster noted that the cash on hand for the General Fund was \$648,292.94, with cash disbursements being \$65,000. State Street Aid cash on hand was \$123,560.86 with total cash on hand being \$771,853.80. The treasurer's report was unanimously approved.

Mr. Bob Haines Planning Commission Member reported the following:

- Bent Creek Phase I final plat was approved with conditions.
- Gate at Cowan Drive was discussed.
- Cowan Drive/Court paving was passed.
- McFarlin Woods punch list was addressed and Section 5 & 6 cannot be started.
- No change in bond report.
- Motion was made to keep PUD's and eliminate OSD's.
- Connection road definitions were approved.

Betty Friedlander reported for the Historic Commission:

- Noted there was not a quorum last month.

- Earth day will be on April 23, 2005.
- May 7th will be shred day.

Chief Presley Hughes reported for the Nolensville Volunteer Fire Department.

- Thanked the Aldermen for attending the banquet.
- Various members attended 30-hour extraction course.
- Met with County Mayor received deadline of May 15 for town for financial plan.
- Should receive pumper truck second week in May.
- Have not heard from FEMA grant.

Rich Woodroof, Town Engineer/Codes Official reported for the Codes Department.

- 125 inspections were performed.
- 17 residential permits issued.
- Working with county to repair roads.
- Continuing education was done on Monday and Tuesday.
- An MS4 conference will be in May.
- Discussed grant with Leigh Ann Cox.

Chief Jeff Goforth reported for the Police Department.

- Stated a written report was submitted.

Mayor Knapper reported for the Public Works

- Stated a written report was submitted.

Mayor Knapper reported for the town hall committee.

- Mayor Knapper asked Alderman Curtsinger to reconvene this committee.
- Alderman Curtsinger stated that this group has not formally met, although they have been polled and there is some consensus.

Mayor Knapper's report:

Mayor Knapper noted that the Budget Committee has met regularly and will meet on the 19th. Mayor Knapper briefly discussed revenues and expenses.

Mayor Knapper noted that he had asked the Town Transportation Consultant to address Cowan Drive. She submitted a letter on April 4, to discuss this issue. Mayor Knapper noted that this would go to the Planning Commission for their recommendation. He further noted that the Town Planner, Town Engineer and Town Traffic Consultant have recommended that this road not be closed.

Mayor Knapper noted that Mr. Don Swartz has reviewed Dortch Lane, Honors Court and the roads that various citizens had petitioned the town to review. Mr. Swartz noted that the MUTCD has criteria that must be followed in order to obtain a stop sign. Mr. Swartz stated that following these criteria a stop sign would not be warranted. Therefore, his recommendation would be to not install a stop sign.

Mayor Knapper noted that he had received a letter from State Road Commissioner Gerald Nicely in regards to Nolensville Road widening and the alternate request that was made by the Board of Mayor and Aldermen. He noted that this would be taken into consideration.

Alderman Felts noted that he had received a call from Representative Casada and word should be received next month in regards to the name change in honor of Alderman Joe Rosi.

The Public Hearing for various ordinances was then initiated. Counsel Notestine briefly went over these ordinances with Rich Woodroof pointing to various properties that would be addressed on a large map.

Public hearing for Ordinance 05-07, an ordinance to rezone property currently zoned Office Industrial (OI) to Commercial Services (CS) currently known as Haley Industrial Park.

Mr. Larry Gardner, 2536 York Road, asked if the overlay would apply to this ordinance. Engineer Woodroof confirmed that it would.

Public hearing for Ordinance 05-08, an ordinance to rezone property currently Office Industrial (OI) to Commercial Services (CS) currently known as Nolensville Family Care was opened.

There was no public comment.

Public hearing for Ordinance 05-09, an ordinance to zone property currently known as Nolensville Mobile Home Park to Estate Residential (ER) was opened.

Mr. George Bartlett, property owner of 7201 Nolensville Road, stated that he spoke to the board last month and again ask that they not zone this property Estate Residential. Alderman Curtsinger asked Mr. Bartlett if he was aware that he could come back to this board to request a zoning change. Mr. Bartlett stated that he was aware that he could do that, although he would have to obtain a survey and pay \$600 to make a request.

Mr. Frank Wilson, 7345 Nolensville Road, stated that as a Planning Commission member he voted to zone this property Estate Residential after consideration he would recommend that this be denied and let him apply for commercial zoning.

Counsel Notestine stated that he would still have to come back before this board to make that request.

Engineer Woodroof stated that the reasoning was that someone could use a trailer as a “taco stand” or similar business.

Mr. Bartlett stated that his lease agreement would not allow a resident to have a business in their home.

Public hearing for Ordinance 05-10, an ordinance to amend the zoning ordinance with issues regarding car washes was opened.

There was not public comment.

The public hearing portion was closed at 7:55 p.m.

Mayor Knapper then asked the board to suspend the rules to address items on the agenda out of order. The board agreed.

Second reading of Ordinance #05-03, an ordinance to amend the zoning ordinance involving Historic Commission. Counsel Notestine briefly described this ordinance. Alderman Felts made a motion to approve this ordinance, Alderman Alexander seconded and this passed unanimously.

Public hearing for Resolution #05-07, a resolution to adopt a plan of service. Counsel Notestine noted this resolution sets out the services that would be provided to the annexed area. Alderman Curtsinger noted that in the police section it states that police services will increase with emergency management services not, is there a reason. Mayor Knapper stated that emergency management currently serves this area. Alderman Dugger asked Mr. Kottas how many homes would be built in this newly annexed area. Mr. Kottas stated that 40 homes would be constructed. Alderman Dugger then asked Mr. Kottas if he had kept the property in the county how many homes would have been built. Mr. Kottas stated that 60 homes could have been built.

Public hearing was then closed.

Reading of Resolution #05-07, a resolution to adopt a plan of service. Alderman Dugger made a motion to approve this resolution, Alderman Felts seconded and this passed unanimously.

Public hearing for Ordinance #05-04, an ordinance to annex a certain territory adjacent to Sam Donald Road was opened.

Alderman Curtsinger asked who would own the road, the city or county. Engineer Woodroof stated that it depends on the language, but the intent is for the city to own half and the county half.

The public hearing was closed.

Second Reading of Ordinance #05-04, an ordinance to annex a certain territory adjacent to Sam Donald Road, Mayor Knapper made a motion to approve this ordinance, Alderman Dugger seconded and this ordinance passed unanimously.

Second reading of Ordinance #05-05, an ordinance to adopt the 2003 Edition of the International Building Code. Counsel Notestine noted that the state has encouraged municipalities to adopt this code. Alderman Felts made a motion to adopt this ordinance, Alderman Dugger seconded and this passed unanimously.

Public hearing for ordinance #05-06, an ordinance to amend the zoning ordinance. Counsel Notestine briefly described this ordinance and then turned the floor over to Town Planner Bill Terry. Mr. Terry summarized this ordinance noting the Planning Commissions intent to create the overlay. He noted that the overlay would be recommended every time a rezoning request was made. Alderman Dugger asked if the existing commercial would be affected by this overlay. Mr. Terry stated that current commercial would not be affected.

The public hearing ended at 8:20.

Second reading for Ordinance #05-06, an ordinance to amend the zoning ordinance to include a Commercial Corridor Overlay District. Counsel Notestine noted that this is the second reading and there needs to be clarification in regards to the text referring to CCO and COD. Alderman Felts made a motion to approve this ordinance, Alderman Dugger seconded. Mayor Knapper made a motion to amend by deleting the second paragraph under the sub-section titled Application, change all COD to reflect CCO and correct a typographical error on page two from 1,500 to 1,500, Alderman Curtsinger seconded and this amendment passed unanimously.

The question was posed would there need to be a separate ordinance to apply for this overlay. Mr. Terry stated that an amendment would have to be made to the map.

Alderman Dugger asked if the overlay only applies to someone who comes to town hall and request this overlay. Mr. Terry stated yes and the proper procedures must be completed to amend the zoning map.

Alderman Curtsinger made a motion to amend the drawing on page four to change 50 to 54' right of way. Mayor Knapper seconded and this amendment passed unanimously. The ordinance was then voted on as amended and it passed unanimously.

Alderman Alexander exited due to an emergency phone call.

Public hearing was opened for Ordinance 05-02, an ordinance to rezone property from ER to CS. Counsel Notestine noted that Engineer Woodroof was pointing to map that describes this property. Mr. Mike Anderson with Delk and Associates introduced himself as the property owners Engineer. He briefly spoke and there were no questions. Public hearing ended at 8:42 p.m.

Second reading of ordinance #05-02, an ordinance to rezone property from Estate Residential to Commercial Services.

Alderman Felts made a motion to approve this ordinance, Mayor Knapper seconded. Alderman Curtsinger made a motion to apply the Commercial Corridor Overlay to this property and it was unanimously approved. This ordinance was unanimously approved on second reading.

First reading of ordinance #05-11, an ordinance to amend the zoning ordinance. Counsel Notestine noted that this ordinance is to add definitions and to "clean-up" various issues within the zoning ordinance. Alderman Dugger made a motion to approve this ordinance, Alderman Curtsinger seconded and this ordinance was approved unanimously.

Reading of Resolution #05-08, a resolution to participate in the three star program. Mayor Knapper noted that this is a request to obtain intergovernmental cooperation that will assist the county and municipalities in grants. Mayor Knapper made a motion to approve, Alderman Felts seconded and this was approved unanimously.

Second reading of ordinance #05-01, an ordinance to amend the sprinkler ordinance #04-02. Alderman Dugger made a motion to approve this ordinance, Mayor Knapper seconded. Alderman Dugger noted that everyone should have received a copy of this

document. Alderman Curtsinger stated that he had not received it until late this afternoon and he hasn't ever seen ordinance 04-02, which is being referred. Mayor Knapper then gave Alderman Curtsinger a copy of ordinance 04-02.

Fire Chief Presley Hughes spoke reiterating that the Fire Department does not want an "opt out" ordinance. Discussion went further into wording of this document. There was extensive discussion in regards to the wording confined or sleep. Alderman Dugger stated that this was Ray Crouch's wording recommendation. Mayor Knapper stated that he did not understand if our current ISO is 5, how would the wording of sleeping area affect this. Chief Hughes noted that you are talking about Urban to Suburban. Alderman Dugger stated that section (F) makes up for the aforementioned. He stated that per Mr. Crouch, after changing to 10', the ISO would not be affected.

Alderman Dugger stated that there are two reasons for a "opt out". One is for everyone to benefit with new equipment, which could be utilized for everyone, not just newcomers. The second is that it gives people an option. This also covers any liability issues.

Chief Hughes asked that this all be hashed out and then come back. He stated that he had only received this today and had to request it from town hall.

Alderman Dugger further noted that the fire department would perform the annual inspections. Chief Hughes stated that Charles Strasser with Nolensville Utility stated that he would be sending out letters annually for inspections. Alderman Dugger stated that this procedure has troubles. He noted that the town can ask the water company to do this, but there are no teeth in it. This is something that cannot be mandated with a repercussion if not performed.

Engineer Woodroof stated that he had spoken with Mr. Strasser and he was elated that it would be a loop system. If it is a loop system no inspections will have to be performed.

Alderman Dugger stated that the bottom line is that this is giving the builder an option. Chief Hughes stated that he felt that a \$1.25 would not be equal to the loop system. It should be at least equal financially. He ask that a figure not be put in, although wording to say equal to the cost of a loop system. Chief Hughes further noted that when this was initiated it was a Fire Protection Fee. It is now a Public Safety Fee. He stated that he has seen the budget figures and the Fire Departments budget increased 3% with the police figures increasing 20%.

Alderman Dugger noted that the square footage has been dropped to zero.

Chief Hughes stated that 6B has been deleted and you have killed the commercial requirement. I still ask that you give us one more month to hash this out.

Mayor Knapper and Counsel Notestine noted that there should have been a period in the wording of eliminating one or two family dwellings.

Chief Hughes again asked for one more month. Alderman Dugger stated that there have been several workshops in regards to the sprinkler ordinance. Initially it was thought that Bent Creek would be eliminated from the sprinklers. This was incorrect.

Alderman Felts noted that there have been some good things brought up tonight. The cost of the loop system, the total square footage and he is open to the permit fee going to

the Fire Department only.

Alderman Curtsinger stated that he is concerned when you take less than 15' then you are talking about life safety. What he has been reading there is going to be plenty of money. I don't think you can replace lives with money. He stated that he felt there were insurance concerns and other concerns. If there is as much money as I believe that is coming in from town hall there shouldn't be a concern with the Fire Protection Fee.

Mayor Knapper noted that the information from town hall is from MTAS and is correct. The original information we sent would require a property tax increase of \$1.12. The opt out is an additional funding.

Chief Hughes ask that Ray Crouch be invited to a meeting. He stated that he would contact him to arrange his attendance. Chief Hughes further asked the board if they would agree to Consultant Ray Crouch's recommendations. The Mayor did not respond with agreement, although they did agree to meet with Mr. Crouch.

Counsel noted that you could pass Sections 1, 2, and 5 to get your loop system in. Alderman Felts stated that he felt the board should wait until Alderman Alexander was here. Alderman Dugger made a motion to withdraw for 30 days, Alderman Curtsinger seconded. Mayor Knapper withdrew his second. The withdraw passed with Aldermen Curtsinger, Dugger, and Felts for and Mayor Knapper against.

Reading of Resolution 09-09, a resolution to adopt a revised Capital Improvements program. Mayor Knapper noted that these figures were presented to the town by MTAS. He compared option A and B noting that A is for the current \$.65 and B is for the increase to \$1.00 for residential facilities tax. Mayor Knapper made a motion to approve this resolution, Alderman Felts seconded and this passed unanimously.

Second reading of Ordinance #04-14, an ordinance to amend the adequate facilities tax. Counsel Notestine noted that this ordinance increases the residential tax to \$1.00 and non-residential to \$2.00. Alderman Felts made a motion to approve this ordinance on second reading, Alderman Dugger seconded and this passed unanimously.

Mayor Knapper adjourned the meeting at 10:11 p.m.

Respectfully submitted,

Cindy Lancaster
Town Recorder

Approved,

Charles F. Knapper
Mayor